

SEP 20 1999

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CALFED Bay-Delta Program
Attention: Rick Breitenbach
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Re: Comments on Programmatic EIS/EIR and Revised Phase II Report

Ladies and Gentlemen:

The breadth, complexity, and poundage of the Programmatic EIS/EIR defy any sort of comprehensive analysis and commentary by an interested individual like me. In general terms, I find it difficult to argue with CALFED's objectives and still-evolving program for realizing those objectives. I do find myself yearning, though, for a relatively succinct, understandable action plan that carries the reader past general precepts, organizational approaches, and preparatory studies, and into the specifics of water conflicts resolution.

How is CALFED really going to deal with the opposing agendas of big agriculture, environmentalists, metropolitan areas, and all the other parties in interest? The answers are hard for me to discern in the hundreds of pages I have scanned. No one seems to be gaining or giving up anything of significance at this stage, and although I certainly understand the need for more studies, consensus building, and "refinement," I am left with the impression that at least to some degree, the EIS/EIR is "treading water."

Perhaps, as CALFED and some commentators appear to believe, a go-slow, very incremental approach is the only way to resolve California's ongoing water war -- or the only way to keep the antagonists talking and avoid another outbreak of open hostilities. My perspective and impatience, though, are sharpened by the years. I saw action in that war some 40 years ago, at the inception of the State Water Project. As vast as that undertaking was, it obviously has not brought peace and harmony, and many of the fundamental issues then are fundamental issues now. Meanwhile, the consequences of action or inaction have greatly magnified. As we approach a new century, how much longer can California afford a go-slow, line-of-least-resistance approach to the management and apportionment of its most vital natural resource?

With that prelude, I wish to comment on two matters:

Peripheral Canal ("Isolated Delta Facility")

As a young attorney with the then-new Department of Water Resources, I worked on actions leading up to voter approval of the Burns-Porter Bond Act, including the drafting and negotiation of the State's prototype water service contract with the Metropolitan Water District. Later, I was involved in State Water Project construction and procurement activities.

In the years since, I have become increasingly concerned about and involved in the severe environmental problems facing California. While I take pride in having had a role in the start-up of the State Water Project, I now look upon dams and aqueducts -- more dams and

aqueducts -- with a very critical eye. I remain committed, though, to one article of faith from my DWR days: the need for a conveyance facility to take State Project Water around the Delta to the pumping plants.

That facility, fully contemplated by State planners and by the Burns-Porter Act, was considered just as essential to the State project as Oroville Dam and the rest of the authorized facilities. To my recollection, it was deferred, pending build-up in project demand, only to ease financing pressures during the heavy construction period in the 1960s. All parties understood that a Delta conveyance facility would be essential as Delta pumping increased and that without it, the pumps would play havoc with Delta flows and ecology, jeopardizing the whole project delivery system -- which, of course, is exactly what has happened.

As I read the EIR/EIS, CALFED is not rejecting a peripheral canal, but like the DWR 40 years ago, is deferring action, this time for seven years, to see whether less politically difficult "through-Delta" operational improvements will suffice to meet competing environmental and water export needs. I strongly support the operational improvements. However, all my years of experience in and observation of the California scene tell me that such improvements, by themselves, will not do the job -- most especially in an era in which population growth and water demands are again on a steep incline. I hope that CALFED does not wait seven years to reach the same conclusion. In a June 27, 1999 column in the Sacramento Bee, Dan Walters said of the seven-year wait period: "It's not exactly a punt, but neither is it a bold statement of leadership on California's single most important policy issue: How will the water needs of tens of millions of new people be met without seriously damaging the agricultural economy or the environment?"

I note that in pressing for a peripheral canal, I am not without company in the environmental field. According to a November 3, 1998 article in the Sacramento Bee, the Natural Heritage Institute has issued a report supporting the canal as the correct technical and economic choice for the Delta and its fisheries. A quote from that report bears repeating: "We urge all participants in the CalFed process to put aside ideology. Fish, Delta habitats and human health are all too important to play games with. They deserve the best solutions we can devise."

Raising of Shasta Dam and Reservoir

The Revised Phase II Report retains, for "additional consideration," the enlargement of Shasta Lake by a 6.5-foot raise in Shasta Dam. The 6.5-foot raise has been described as "modest" and indeed it is, compared to much greater and more destructive raises in dam height apparently under earlier consideration. Even in "modest" form, though, I consider enlargement of Shasta Lake an exceedingly poor option and oppose its further evaluation.

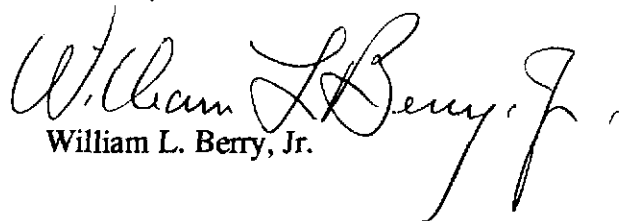
My position is provincial to some extent. My family and I have a long relationship with the Upper Sacramento River and maintain a small vacation home near Dunsmuir. Over decades, I have seen this unique, renowned wild trout stream repeatedly abused by man, most notably, of course, by the 1991 railroad spill that killed all life in the river for 40 miles. The Upper Sacramento should not be abused further -- and flooding of its lower reaches would be abuse, pure and simple. Such flooding would not only destroy part of the river; it would change upstream ecology, bringing the lake and its influences closer to the upstream reaches. The same would occur, of course, on the McCloud and Pit rivers.

On a less personal basis:

- It seems clear that the gain in reservoir storage would be relatively small in terms of overall demands and would hardly justify the costs involved, especially when environmental losses and potential litigation expense and delay are taken into account. From longtime acquaintance with the area, I can say with some assurance that people of the North State counties, who are already very suspicious of CALFED, would rise up in wrath should a raise in Shasta Dam become an imminent threat.
- At this stage in California's history, increased water demands can best be met by conjunctive use of groundwater basins, reform of agricultural irrigation practices, and similar means. "Topping off" existing reservoirs is a piecemeal solution at best and, in my view, mainly a bow to water industry traditionalists who are having trouble adapting to current realities.
- How and where would the extra water in Shasta Lake be used? To bring more thousands of acres of water-draining cotton into production in an arid state? What would prevent this result? The basic surface water storage system is in place. We must learn how to manage it more wisely and to supplement it with groundwater storage.
- I cannot speak as an engineer, but I assume that construction of a peripheral canal would remove much of the pressure for additional storage upstream of the Delta. Why not face the Delta's prime problem squarely, instead of tinkering -- and stirring up controversies -- elsewhere?
- In sum, a 6.5-foot raise in Shasta Dam strikes me as incrementalism at its worst.

Thank you for your attention to these comments.

Sincerely,


William L. Berry, Jr.